

**MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



**MONDAY, MAY 20, 2019
6:00 P.M.**

1.0 Meeting was called to order by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Klein Quinn
Councilman Townsend

Members absent:

Councilman Degges - Excused

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – Beth Jones
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Community Center Manager – Rosalie Dillon
Fire Marshal – Joe Sykora
Police Officer-Investigations – James Harral

2.0 The invocation was led by Pastor Greg Jenkins – Tomball Assembly of God

3.0 The pledges to U. S. and Texas Flags were led by Randy Parr.

4.0 The following public comments were received:

Bruce Hillegeist President-GTACC	-	Expressed his appreciation of the City's continue support of the annual Tomball Night events and parade.
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5.0 Reports and Announcements:

- **Tomball City Pool – 2019 Swim Season** - Jerry Matheson Park Pool will be open Memorial Weekend, May 25-27, then will reopen on June 4 and will operate with normal hours through August 18. The pool will be open on Saturday and Sunday only on the weekends of August 24-25 and August 31-September 1. The pool will be closed every Monday during swim season 2019, except Memorial Day (May 27), July 4th, and Labor Day (September 2). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- June 8, 2019 – **2nd Saturday** at the Depot
- **TOMBALL KID'S CLUB – Activities:** *June 18, 20, 25, and 27 and July 2, 9, 11, 16, 18, 23 and 25* from 10:30 a.m. to 12:30 p.m., at the Tomball Community Center. *Backpack Buddy Pickup: June 21, 28 and July 12, 19, 26* from 10:30 a.m. to 12:30 p.m. at Lone Star College-Tomball Community Library
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

6.0 Presentations:

Mayor Fagan presented the following proclamations to Tomball Public Works Department and Tomball Fire Department personnel:

- Proclamation – May 19-25, 2019 is “**National Public Works Week – Tomball, Texas**” – “**It Starts Here**”
- Proclamation – May 19-25, 2019 is “**National Hurricane Preparedness Week – Tomball, Texas**”

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the May 6, 2019 Regular Tomball City Council Meeting and the May 13, 2019 Special Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2019-10, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 1.5 Acres of Land, Legally Described as Tract 12E-2 & 12F-2 Abstract 378 W Hurd Survey, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property being generally located on the South Side of Michel Road, West of School Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any

Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

9.0 New Business:

- 9.1 Greg Sissel, CPA-BKD, LLP presented the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ending September 30, 2018 to City Council.

No action necessary.

- 9.2 Consideration to Approve **Zoning Case P19-053**: Request by Harpreet Mangat to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3.6 acres of land legally described as Tracts 6, 7, 8 and 10 and Lot 9, Block 1 Hirschfield Farms Section 1 U/R, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of SH 249 and Alice Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P19-053**

Mayor Fagan opened the Public Hearing at 6:22 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:22 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2019-11 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2019-11, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 3.6 Acres of Land, Legally Described as Tracts 6, 7, 8 and 10 and Lot 9, Block 1 Hirschfield Farms Section 1 U/R, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; said Property being generally located at the Northeast corner of SH 249 and Alice Road; Providing for the

Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2019-13, a Resolution of the City Council of the City of Tomball, Texas, Adopting the City's Water Conservation and Drought Contingency Plan (2019).

Motion carried unanimously.

- 9.4 Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn the Property as Follows:

Approve Resolution No. 2019-14, a Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed to Install Public Utilities along Hufsmith Road, Specifically a Tract of Land Containing 0.1099 Acres Believed to be Owned by Barbara Hieden Seber, in the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings.

Motion was made by Councilman Stoll, second by Councilman Ford: "I move that the City of Tomball, Texas adopt this resolution authorizing the use of the power of eminent domain to acquire the property described in this resolution for public utility purposes." Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried, 3 votes Aye, 1 vote Nay.

- 9.5 Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn the Property as Follows:

Approve Resolution No. 2019-15, Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed to Install Public Utilities along Hufsmith Road, Specifically a Tract of Land Containing 0.0555 Acres Believed to be Owned by Frank Rhane Krzenski and Deanna Krzenski, in the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings

Motion was made by Councilman Stoll, second by Councilman Ford: "I move that the City of Tomball, Texas adopt this resolution authorizing the use of the power of eminent domain to acquire the property described in this resolution for public utility purposes." Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

9.6 Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn the Property as Follows:

Approve Resolution No. 2019-16, a Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed to Install Public Utilities along Hufsmith Road, Specifically a Tract of Land Containing 0.1107 Acres Believed to be Owned by James A. Johnson and Dorothy Johnson, in the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings

Motion was made by Councilman Townsend, second by Councilman Ford: "I move that the City of Tomball, Texas adopt this resolution authorizing the use of the power of eminent domain to acquire the property described in this resolution for public utility purposes." Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

9.7 Consideration and Possible Action Regarding the Use of Eminent Domain Authority to Condemn the Property as Follows:

Approve Resolution No. 2019-17, a Resolution of the City Council of the City of Tomball, Texas, Determining that Land is Needed to Install Public Utilities along

Hufsmith Road, Specifically a Tract of Land Containing 0.1268 Acres Believed to be Owned by Brenda Ann Reiland and Alan Matthew Suhonen, in the City of Tomball, Texas; and Authorizing the Institution of Eminent Domain Proceedings

Motion was made by Councilman Townsend, second by Councilman Ford: "I move that the City of Tomball, Texas adopt this resolution authorizing the use of the power of eminent domain to acquire the property described in this resolution for public utility purposes." Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Absent</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.8 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve Resolution No. 2019-18, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 47th Annual Tomball Night and Parade, to be Held in Tomball on Friday, August 2, 2019.

Motion carried unanimously.

- 10.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 3rd day of June 2019.

Doris Speer
Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor